

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHANIEL PORTER,

Plaintiff,

Case No. 1:05-cv-562

v.

Hon. Janet T. Neff

DAVE J. BURNETT,

Defendant.

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ORDER APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed July 1, 2008, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that Defendant Burnett's Motion for Summary Judgment (Dkt. No. 172) is **DENIED** for the reasons stated in the Report and Recommendation.

Dated: August 4, 2008

/s/Janet T. Neff

JANET T. NEFF

UNITED STATES DISTRICT JUDGE